

EXPRESS MAIL NO.: EM061 016 931US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: BOYCE-JACINO et al.

Serial No.: 09/097,791

Group Art Unit: 1643

Filed: June 16, 1998

Examiner: To Be Assigned

For: POLYMERASE SIGNALING  
ASSAY

Attorney Docket No.: 9465-005

RESPONSE TO NOTICE TO FILE MISSING PARTS

ATTN: BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted, dated July 02, 1998, the Applicants submit herewith: (1) an executed Declaration and Power of Attorney; (2) a copy of the Notice; (3) a Verified Statement Claiming Small Entity Status and accompanying Transmittal letter; and (4) a Filing under 37 C.F.R. § 1.27(a) to Establish Small Entity Status and Request for Refund Under 37 C.F.R. § 1.20(a).

Applicants are also submitting under separate cover an executed Assignment, assigning Applicants' rights in the above-identified patent application to Molecular Tool, Inc.

In accordance with the Notice, the small entity fee required for filing the Oath is \$65.00. Please charge the

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GROUP 1800

required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date August 14, 1998

*Laura A. Coruzzi* <sup>33</sup> 30,742  
Laura A. Coruzzi (Reg. No.)  
PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure

*Matthew C. George*  
Ag. No. 39,20,

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER / FILING RECEIPT DATE / NAME OF APPLICANT / ATTORNEY DOCKET NO/TITLE  
109/097,791 06/16/98 BOYD, GARY M. M. 9465-005-999

PENNIE & EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-2711

0202/0702

NOT ASSIGNED

1643

DATE MAILED:

07/02/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity, in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*

small entity (statement filed)  non-small entity is \$ 130

1. The statutory basic filing fee is

missing

insufficient

*Applicant must submit \$ 130 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ 130, including any multiple dependent claim fees, are required.

*\$ 130 for independent claims over 3.*

*\$ 130 for dependent claims over 20.*

*for multiple dependent claim surcharge.*

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing or unexecuted.

does not cover the newly submitted items.

does not identify the application to which it applies.

does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date, is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted 08/20/1998. 100000-00000000 filing this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*

9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*A copy of this notice MUST be returned with the reply.*

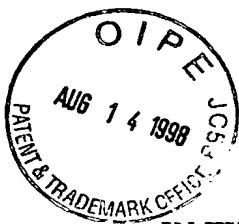
Customer Service Center

Initial Patent Examination Division (703) 308-1202

8/20/98  
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AUG 21 1998  
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GROUP 1800

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE *HB*

Application of: Boyce-Jacino *et al.*

Serial No.: 09/097,791

Art Unit: 1643

Filed: June 16, 1998

Examiner: to be assigned

For: POLYMERASE SIGNALING ASSAY

Attorney Docket No: 9465-005

**FILING UNDER 37 CFR § 1.27(a) TO ESTABLISH SMALL ENTITY STATUS  
AND  
REQUEST FOR REFUND UNDER 37 CFR § 1.28(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Sir:

It is respectfully requested that the above-identified application be accorded Small Entity Status in view of the Verified Statements Claiming Small Entity Status form which is submitted herewith.

An application fee of \$1,010.00 was timely paid on June 16, 1998, in connection with the above-identified application from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which \$505.00 is in excess of the amount now required. Pursuant to 37 CFR § 1.28(a) Applicants request a refund of the excess amount within two months of its timely payment. Accordingly, Applicants hereby request that the amount of \$505.00 be credited to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date August 14, 1998

*Laura A. Coruzzi* <sup>17</sup>  
Laura A. Coruzzi 30,742  
(Reg. No.)

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